

AMENDMENT AFTER FINAL

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 12-18 and 20 have been rejected.

Claims 12 and 16 have been amended.

Claims 13-15, 17, 18 and 20 are kept unchanged.

Claims 12-18 and 20 are pending in the application.

Claim 16 rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 has been amended as suggested by the Examiner to depend from claim 12 and change Z1 to Z.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claim 16 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivoclar AG, Li (CA 2 232 960) in view of Priou (5,693,688).

The instant claimed dental composition comprises:

(1) at least one crosslinkable or polymerizable silicone oligomer or polymer which is liquid at room temperature or which is heat-meltable at a temperature of less than

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100°C, and which is defined by a specific chemical structure (I), wherein Z is an organic substituent comprising at least one reactive epoxy, alkenyl ether, dioxolane or carbonate functional group,;

(2) at least one dental filler present in a proportion of at least 10% by weight relative to the total weight of the composition, and

(3) an effective quantity of at least one organometallic complex borate photoinitiator which cationic entity being of formula (II) and anionic borate being of formula III

As stated by the Examiner CA 2 232 960 teaches dental material obtained from polymerizable and hydrolyzable oxetane silanes (please see page 1, lines 1-7).

Therefore, that reference cannot teach a dental composition comprising at least one crosslinkable or polymerizable silicone oligomer or polymer defined by a specific chemical structure (I) having no oxetane functional group, being liquid at room temperature or being heat-meltable at a temperature of less than 100°C.

Applicant respectfully submits that the formula (I) and pages 10-11 of CA 2 232 960 teaches only silanes or disilanes but not siloxanes as asserted by the Examiner on page 2, first paragraph of "Response to Arguments".

CA 2 232 960 does teach that the silanes (I) may be polymerizable via the oxetane groups and hydrolyzable via the radicals X leading to a cross-linked product which is liquid at room temperature or which is heat-meltable at a temperature of less than 100°C. That cross-linked product can provide resins and fillers (please see page 18, lines 16-21 of the CA patent) which are normally solid products at room temperature.

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Furthermore, as stated by the Examiner, that document does not disclose nor suggest borate salts of cyclopentadienyl iron or other organometallic cation.

One of ordinary skill in the art at the time of the invention would not have been motivated to use the borate salts taught by Priou et al. because Priou et al. focuss on antiadhesive coating compositions on solid supports of articles (e.g. paper or polymer film of the polyester or polyethylene), having nothing to do with dental compositions. This is confirmed by the examples of the Priou patent, all directed to antiadhesive coating compositions. In that connection, it is well known that a silicone composition has to have a proper viscosity for a coating application in order to be easily coated on supports. A dental silicone composition comprising more than 10% by weight of at least one dental filler is not suitable for high speed coating systems.

Moreover, Priou et al. do not disclose nor suggest that a silane could be replaced by a polymerizable silicone oligomer or polymer and that said silane could be used in a dental composition with a cyclopentadienyl iron or other organometallic cation.

The technical field relative to the production of antiadhesive coatings on solid supports is far away from the technical field of dental composition, the latter raising new issues such as the overall toxicity of the composition. Moreover, also because Priou focuses on epoxy functional groups and does not mention oxetane groups, there is no motivation for the one skill in the art of silicone dental compositions to combine the two documents.

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For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 12-18 and 20 as being unpatentable over Ivoclar AG, Li (CA 2 232 960) in view of Priou (5,693,688).

Claims 12-14,16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (5,401,528 or WO 92/16183)) in view of Priou (5,693,688).

The Schmidt patents disclose dental material obtained from polymerizable and hydrolyzable silanes (please see the abstracts and all the claims of the Schmidt patents). Therefore, the above rationale set forth above for CA 2 232 960, also applies to the Schmidt patents. The above rationale set forth above for Priou on the absence of motivation for combining the teachings of CA 2 232 960 and Priou, also applies to the combination of the teachings of Schmidt and Priou."

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 12-14,16, 17 and 20 as being unpatentable over Schmidt (5,401,528 or WO 92/16183)) in view of Priou (5,693,688).

The rejection of claims 12-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 of US Patent 6,747,071 or over claims 1-6 of US Patent 6,747,071 in view of Priou (5,693,688), is now moot because Applicant is enclosing herewith a terminal disclaimer in compliance with 37 CFR 1.321 (c).

According to the OG Notice of 12/26/01 "Guidelines Setting Forth a Modified Policy, the undersigned Agent of record makes the statement that the instant application and the reference: US Patent 6,747,071 was, at the time the invention was made, owned

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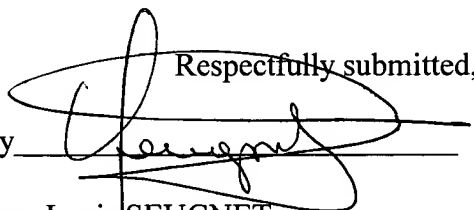
by, or subject to an obligation of assignment to, the same person, either Rhone-Poulenc Chimie or Rhodia-Chimie, keeping in mind that Rhone-Poulenc Chimie has changed its name into Rhodia-Chimie on December 30th, 1997 as shown by the copy of the Certificate of Change of Name enclosed in the previous amendment filed by Applicant on April 11, 2005.

The amendment does not create new issues, as it corresponds to the Examiner's requirement, and/or provides only grammatical improvement of the wording.

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

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